

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012210



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002/G021	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012210	International filing date (day/month/year) 03 November 2003 (03.11.2003)	Priority date (day/month/year) 05 November 2002 (05.11.2002)
International Patent Classification (IPC) or national classification and IPC B32B 7/12		
Applicant TICONA GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 June 2004 (03.06.2004)	Date of completion of this report 20 January 2005 (20.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012210

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-26, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-21, filed with the letter of 23 November 2004 (23.11.2004)
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/12210

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	9, 20	YES
	Claims	1-8, 10-14, 16-19, 21	NO
Inventive step (IS)	Claims	15	YES
	Claims	1-14, 16-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

### 2. Citations and explanations

Reference is made to the following documents:

**D1:** PATENT ABSTRACTS OF JAPAN Vol. 1999, No. 09, 30 July 1999 (1999-07-30) & JP 11 091040 A (POLYPLASTICS CO) 6 April 1999 (1999-04-06)

**D3:** MatWeb.com, The Online Materials Database: Overview EVA, Adhesive/sealant Grade (<http://www.matweb.com>); Copy joined.

#### A Amendments

The amendments submitted by the applicant with the letter of 23 November 2004 are allowed and in particular satisfy PCT Article 34(2) (b).

#### B Novelty

**B.1** Document D1 discloses a co-extruded or dry-laminated laminate for the production of, *inter alia*, containers and pipes [0028-0033] and having the following structure: polyacetal (POM) // adhesion promoter // HDPE (example [0035-0039]). The adhesion promoter can be, for example, a copolymer consisting of an alpha-olefin and (meth)acrylic acid (alkylester), vinyl acetate, maleic acid (anhydride)

or itaconic acid (anhydride) etc., or a modified alpha-olefin (for example maleic acid anhydride-modified polyethylene) ([0017-22], [0035]).

In document D1 the composite adhesion is given in N/15mm (Table 1) and not, as in the application, in N/mm<sup>2</sup>. Consequently, no direct comparison is possible. However, since in document D1 composite adhesion plays a decisive role [0004] and the structure is encompassed by the subject matter of the materials listed in claim 1, the Preliminary Examining Authority considers that the examples given in document D1 are prejudicial to the novelty of the subject matter of claim 1 of the present application (PCT Examination Guidelines 2004, paragraph 12.04).

Ethylene vinyl acetate copolymers usually have Vicat softening points above 50°C (see, for example, document D3).

The polyacetal in document D1 contains in addition a polyalkylene glycol modified with amino groups [abstract]. However, the presence of this component is not excluded by claim 1 of the present application.

Consequently, the subject matter of claims 1-8, 10-14, 16-19 and 21 is not novel (PCT Article 33(2)).

#### **C Inventive step**

The features of claims 9 and 20 concern only one of several obvious possibilities. In the view of the examiner, the application did not demonstrate that these features solve a technical problem in an inventive (surprising) manner.

The subject matter of claims 9 and 20 is therefore not inventive within the meaning of PCT Article 33(3).

**D Industrial applicability**

The subject matter of claims 1-23 meets the requirements for industrial applicability of PCT Article 33(4).